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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,823	06/26/2003	Shih-Ming Chang	67,200-1010	5507

7590 07/13/2006

TUNG & ASSOCIATES  
Suite 120  
838 W. Long Lake Road  
Bloomfield Hills, MI 48302

EXAMINER
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GARCIA, JOANNIE A

ART UNIT	PAPER NUMBER
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2823

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/606,823

Applicant(s)

CHANG ET AL.

Examiner

Joannie A. García

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39 is/are allowed.
- 6) ☒ Claim(s) 24-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Higashikawa et al (U.S. Patent 6,319,637).

Higashikawa et al discloses a lithographic semiconductor fabrication process comprising exposing a semiconductor wafer to a first mask part that comprises a layout for a semiconductor device that is at least defective to form a defectively exposed portion (Figure 2A, and Column 7, lines 7-10), exposing the defectively exposed portion to a second mask part corresponding to the first mask part substantially free from defects that comprises another layout for the semiconductor device that is at least free from defects, a second and a third time (Figures 2A-2C, and Column 7, lines 35-67), wherein the first and second mask parts are formed on a same photomask (Figure 2A), and wherein said first mask part and said second mask part are on different photomasks (Figures 2C-2D, and 3A-3B, Column 5, lines 7-8, and Column 7, lines 35-67), exposing the defectively exposed portion to a third mask part one or more times (Figures 2A-2E), exposing the defectively exposed portion to the second mask part a second and a third time, or one or more times (Column 7, lines 45-67), and exposing the defectively exposed portion to the second, a third and other additional mask parts one or more additional times (Figures 2A-2E, and Column 7, lines 21-67).

Applicant argues that Higashikawa et al does not teach exposing the wafer to a first mask part that is at least partially defective to form a defectively exposed portion, and exposing the defectively exposed portion to a second mask part corresponding to the

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first mask part at least substantially free from defects. However, Higashikawa et al discloses exposing the wafer to a first mask part that is at least partially defective to form a defectively exposed portion, and exposing the defectively exposed portion to a second mask part corresponding to the first mask part at least substantially free from defects (Figures 2A-2C, and Column 7, lines 7-10, and 35-67).

Claim 39 is allowed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joannie Garcia whose telephone number is (571) 272-1861. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAG  
July 8, 2006

GFourson  
Primary Examiner



George Fourson  
Primary Examiner  
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